UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES GREEN   ]
        Plaintiff,   ]
                                     ]
v.   ]   No. 3:09-1171
                                     ]   Judge Trauger
GEORGE M. LITTLE, et al.   ]
        Defendants.   ]

M E M O R A N D U M

The plaintiff, proceeding *pro se*, is an inmate at the Riverbend Maximum Security Institution in Nashville. He brings this action pursuant to 42 U.S.C. §§ 1983 and 1985(3) against George Little, Commissioner of the Tennessee Department of Correction; James Fortner, Warden of the Turney Center Industrial Prison; four members of the Turney Center staff; Ricky Bell, Warden at Riverbend; and Sandy Hall, a Riverbend employee; seeking injunctive relief and damages.

On June 8, 2007, a disciplinary board at Turney Center found the plaintiff guilty of assaulting another inmate. For this offense, the plaintiff was placed in administrative segregation indefinitely. By July 18, 2007, the conviction had been affirmed through two levels of administrative appeal. The plaintiff suggests that he has been wrongly punished in violation of his right to due process.
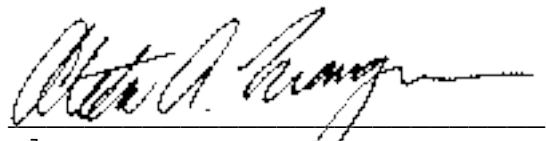
The complaint arrived in the Clerk's Office on December 10, 2009. The plaintiff's claims arose when his administrative appeals had been exhausted on July 18, 2007. Thus, it appears that this action is time-barred by the one year statute of limitations imposed upon civil rights claims brought in Tennessee. Merriweather v. City of Memphis, 107 F.3d 396, 398 (6th Cir.1997). Nothing in the complaint suggests that the statute should be tolled so as to permit the untimely filing of the complaint. The Court, therefore, concludes that the plaintiff has failed to state a claim upon which relief can be granted because this action is untimely. Dellis v. Corrections Corp. of America, 257 F.3d 508, 511 (6th Cir.2001)(*sua sponte* dismissal of an untimely prisoner complaint is appropriate). Under such circumstances, the Court is obliged to dismiss the complaint. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.

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Aleta A. Trauger
United States District Judge